

AMENDED IN SENATE MARCH 27, 2003

**SENATE BILL**

**No. 641**

---

**Introduced by Senator Brulte**

February 21, 2003

---

An act to amend Section 82041.5 of, and to add Section 84305.7 to, the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 641, as amended, Brulte. Elections: campaign expenditures: telephone advocacy.

Existing provisions of the Political Reform Act of 1974 define a "mass mailing" as over 200 substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter, or other inquiry.

This bill would revise this definition to include, instead, 200 substantially similar pieces of any item delivered, by any means, to the recipient at his or her residence, place of employment or business, or post office box, and would require the item delivered to the recipient to be a tangible item, such as a videotape, audio tape, computer diskette, compact disc, or a written document.

Existing provisions of the act prohibit the sending of a slate mailer unless the name, street address, and city of the slate mailer organization or committee are shown on the outside of each piece of slate mailer and on one of the included inserts.

This bill would prohibit a candidate, committee, or slate mailer organization from making an expenditure for telephone calls, made by an individual or individuals or by electronic means, that support or oppose any candidate, ballot measure, or referendum, unless during or

at the end of the telephone call the name of the candidate, committee, or slate mailer organization is disclosed to the recipient of the ~~call~~, preceded by the phrase “paid for by.” This prohibition would not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers.

Existing law makes a violation of the Political Reform Act of 1974 subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a  $\frac{2}{3}$  vote.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 82041.5 of the Government Code is
- 2 amended to read:
- 3 82041.5. “Mass mailing” means over 200 substantially
- 4 similar pieces of any item delivered, by any means, to the recipient
- 5 at his or her residence, place of employment or business, or post
- 6 office box. For purposes of this section, the item delivered to the
- 7 recipient must be a tangible item, such as a videotape, audio tape,
- 8 computer diskette, compact disc, or a written document, but does
- 9 not include a form letter or other mail which is sent in response to
- 10 an unsolicited request, letter, or other inquiry.
- 11 SEC. 2. Section 84305.7 is added to the Government Code, to
- 12 read:



1 84305.7. (a) A candidate, committee, or slate mailer  
2 organization may not make an expenditure for telephone calls,  
3 made by an individual or individuals or by electronic means, that  
4 support or oppose any candidate, ballot measure, or referendum,  
5 unless during or at the end of the telephone call the name of the  
6 candidate, committee, or slate mailer organization is disclosed to  
7 the recipient of the ~~call~~, *preceded by the phrase "paid for by."*

8 (b) This section does not apply to telephone calls made by the  
9 candidate, the campaign manager, or individuals who are  
10 volunteers.

11 SEC. 3. The Legislature finds and declares that the provisions  
12 of this act further the purposes of the Political Reform Act of 1974  
13 within the meaning of subdivision (a) of Section 81012 of the  
14 Government Code.

15 SEC. 4. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.

24 SEC. 5. This act is an urgency statute necessary for the  
25 immediate preservation of the public peace, health, or safety  
26 within the meaning of Article IV of the Constitution and shall go  
27 into immediate effect. The facts constituting the necessity are:

28 In order to curb the practice of negative campaigning by the use  
29 of false and misleading telephone calls and other electronic  
30 messages in advance of several local and special elections to be  
31 held in 2003, and thereby avoid the consequences to the public of  
32 negative campaign tactics, it is necessary that this act take effect  
33 immediately.

